

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES
2009 Legislation and Status of Bills
(April 15, 2009)

State Council-Sponsored Legislation

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Bill No.	Bill No. (Author) Description and Updates	State Council Position	State Council Policy Area	Status as of April 15, 2009
AB 140	<u>AB 140 (Beall) Regional Center Dispute Resolutions</u> Would establish procedures for the resolution of disputes between a regional center and a generic agency, as defined, over provision of, or payment for, services that are contained in an individualized family service plan or individual program plan for any child under 6 years of age. (This bill is a reintroduction of AB 1825 (Beall, 2008) which was vetoed by Gov. Schwarzenegger)	SUPPORT		Senate Passed out of Asm. Human Services 7-0; Asm. Approps. 15-0-1 Passed out of Asm. on consent calendar
AB 214	<u>AB 214 (Chesbro) Durable Medical Equipment</u> Would require a health care service plan and a health insurer to provide coverage for durable medical equipment, as defined, as part of their plan contracts or health insurance policies. This bill contains other related provisions and other existing laws. (This bill is a reintroduction of SB 1198 (Kuehl, 2008) which was vetoed by Gov. Schwarzenegger)	SUPPORT		Assembly Appropriations Passed out of Asm. Health 12-4.
AB 287	<u>AB 287 (Beall) Employment First Policy</u> Would establish an Employment First Policy intended to promote integrated employment opportunities for people with developmental disabilities.	Co-sponsors	Employment	Assembly Human Services Hearing – 4/28/09 1:30pm, room 437

	<p>Amended 4/13/09 - The bill will now require, beginning when the consumer is 14 years of age, that the planning team discuss school-to-work opportunities during individual program plan meetings. Also, the bill will require the State Council on Developmental Disabilities to form a standing Employment First Committee to implement a Employment First Policy no later than July 1, 2011.</p> <p>(This bill is a reintroduction of AB 2424 (Beall, 2008) which was held in the Senate Approp. Committee)</p>			
AB 302	<p><u>AB 302 (Beall) Regional Center Purchase of Services</u></p> <p>Would require the department to use existing data to determine specified information, for the state as a whole and by regional center, relevant to the use of purchase of services funds by regional centers for linguistically and ethnically diverse consumers.</p>	SUPPORT		<p>Assembly Appropriations Suspense File</p> <p>Passed out of Asm. Human Services 5-2.</p>
AB 378	<p><u>AB 378 (Cook) IHSS Provider Training</u></p> <p>Would require each public authority or nonprofit consortium, in consultation with its advisory committee and stakeholders, to develop training standards and core topics, to be used in training it provides.</p>	SUPPORT		<p>Assembly Approps.</p> <p>Passed out of Asm. Human Services 5-0</p>
AB 416	<p><u>AB 416 (Block) Consumer Abuse Registry</u></p> <p>Would require a provider, as defined, to report a substantiated case of abuse of a consumer by a direct service worker to the appropriate investigating agencies,</p>	SUPPORT	Abuse Prevention	<p>Assembly Health</p> <p>Hearing – 4/28/09, 1:30pm, room 4202</p>

	<p>as defined. The bill would also require investigating agencies to report abuse of a consumer by a direct service worker to the State Department of Developmental Services. The bill would require the department to establish a registry of direct service workers or others against whom one or more substantiated reports of abuse of a consumer have been reported, and to make the registry available, pursuant to a release protocol established by the department in consultation with program stakeholders, to specified persons. The bill would require providers to access the registry before hiring a direct service worker and would prohibit providers from hiring or contracting with a direct service worker who is included in the registry. The bill would also require the department to coordinate with the State Department of Public Health and the State Department of Social Services to share information about direct service workers, and would require the department to adopt regulations to implement the bill's provisions by July 1, 2010.</p> <p>(This bill is a reintroduction of AB 1983 (Evans, 2008) which was held in the Asm. Approps Committee)</p>			Passed out of Asm. Human Services 4-1
AB 438	<p><u>AB 438 (Beall) People with Developmental Disabilities in the Criminal Justice System</u></p> <p>Takes several steps to ensure more appropriate services and supports for people with developmental disabilities who become involved with the criminal justice and court system. AB 438 requires the Department of Developmental Services (DDS) and the Department of Corrections and Rehabilitation (DCR) to enter into an</p>	SUPPORT		<p>Assembly Public Safety</p> <p>Passed out of Human Services 4-2</p>

	interagency agreement for sharing information about individuals with developmental disabilities who are confined in DCR facilities; will expand eligibility for diversion for persons with developmental disabilities charged with a non-violent felonies, and will repeal the requirement that the individual have been a regional center client prior to the time of the charges; will require DDS to convene a task force to indentify strategies and best practices, for local interagency coordination and cooperation in addressing the needs of adults and juveniles with developmental disabilities.			
AB 452	<u>AB 452 (Yamada) California Independence Act of 2009</u> Would establish the California Independence Program, a voluntary program for the provision of in-home supportive services to certain aged, blind, and disabled individuals who are otherwise ineligible for IHSS services. The bill would make recipients and providers of services under the California Independence Program subject to specified requirements.	WATCH		Assembly Human Services (Two year bill)
AB 1124	<u>AB 1124 (Yamada) Due Process Hearings</u> Would require local educational agencies, during the pendency of a hearing involving an application of a pupil for initial services under a preschool program serving individuals with exceptional needs between 3 to 5 years of age, inclusive, who is no longer eligible for early intervention services under the California Early Intervention Services Act because he or she has reached 3 years of age, to continue to provide the same services that were provided under the California Early	SUPPORT	Special Education	Assembly Appropriations Passed out of Asm. Education 9-0

	<p>Intervention Services Act. This bill contains other related provisions and other existing laws.</p> <p>Amended 4/13/09 – The implementation of the bill is subjects to funds made available by the federal government from the American Recovery and Reinvestment Act of 2009 or other federal legislation that would provide higher levels of special education funding.</p> <p>(This bill is a reintroduction of AB 1768 (Evans, 2008) which was held in Asm. Approps Committee)</p>			
AB 1538	<p><u>AB 1538 (Ma) Restraint and Seclusion</u></p> <p>Would prohibit an educational provider from using chemical restraint, as defined, mechanical restraint, as defined, physical restraint, as defined, or seclusion, as defined, on a pupil who is an individual with exceptional needs for the purpose of coercion, discipline, convenience, or retaliation by staff. The bill would limit the use of physical restraint, as defined, and would specify conditions under which an educational provider would be authorized to use physical restraint. The bill would provide that those limitations and conditions only apply to the use of physical restraint on individuals with exceptional needs, as defined, who receive special education and related services. The bill would allow, until January 1, 2012, nonpublic, nonsectarian schools, and certain district-designated alternative programs to use seclusion if specified conditions are met. This bill contains other related provisions and other existing laws.</p> <p>Amended 4/15/09 – Changes the implementation of this</p>	SUPPORT	Abuse Prevention	<p>Assembly Education</p> <p>Hearing – 4/22/09 1:30pm, room 4202</p>

	<p>bill until January 1, 2013.</p> <p>(This bill is reintroduction of SB 1515 (Kuelh, 2008) which was vetoed by Gov. Schwarzenegger)</p>			
SB 110	<p><u>SB 110 (Liu) Disabled Crime Victims Act</u></p> <p>Would state that it is the intent of the Legislature to strongly encourage law enforcement agencies and district attorneys to develop and adopt certain training, investigation, and prosecution practices relevant to victims with disabilities, as specified. This bill would require the Department of Justice to send a bulletin to law enforcement agencies and district attorneys describing that intent, as well as the laws relating to the protection of persons with disabilities, as specified. This bill contains other related provisions and other existing laws.</p> <p>Amended 3/25/09 – Amended Section 4689.25 to allow nonlicensed service providers who have a vendor relationship with a regional center to obtain criminal record background checks on current and prospective employees and volunteers, as specified, and would require the providers to discharge or not hire those persons if they are convicted of specified offenses.</p> <p>(This bill is a reintroduction of AB 2038 (Lieber, 2008) which was held in the Senate Approps. Committee)</p>	SUPPORT	Abuse Prevention	<p>Senate Public Safety</p> <p>Hearing - 4/28/09 9:30am, room 4203</p>
SB 383	<p><u>SB 383 (Liu) Autism Screening</u></p> <p>This bill would require the State Department of</p>	SUPPORT		Senate Appropriations

	<p>Developmental Services to partner with at least one regional center to implement a 2-year Autism Spectrum Disorders Early Screening, Intervention, and Treatment Pilot Program in at least 3 key geographic areas. The pilot program would establish best practices for early screening, diagnosis, referral, and treatment for children with ASD. This bill contains other related provisions and other existing laws.</p> <p>Amended 3/31/09 – Gut and Amended to add the language from SB 527 (Steinberg, 2008) which was vetoed by Gov. Schwarzenegger.</p>			<p>Passed out of Sen. Human Services 3-1</p>
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